

REMARKS

Upon entry of Amendment under 37 C.F.R. § 1.116 filed December 23, 2008, claims 6-7 and 9-10 will be all the claims pending in the application.

Claims 6-7 and 9-10 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Kimura et al. (EP 1 112 692 A1, “Kimura”) in view of Mäyrä-Mäkinen et al. (US 5908646, “Mäyrä-Mäkinen”).

Claims 6-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Kimura et al. (EP 1 112 692 A1, “Kimura”) in view of Germond et al. (WO 0188150, “Germond”).

Applicants traverse the above rejections for at least the reasons presented previously of record, which are not be repeated herein.

Further, in the Advisory Action of January 8, 2009, the Examiner asserts that:

The amendment is not entered given that the amendment to claim 6 raises new issues that would require further consideration under 35 U.S.C. 112 second paragraph. Step 1 is directed to adding “a” lactic acid bacteria starter to “a” milk component. It is not clear whether the starter is a single starter or a mixed starter. It is not clear if the starter is mixed with the milk or “a” component of milk for instance to water, whey, casein or any other milk component.

Applicants respectfully traverse.

Claim 6 recites a step adding a lactic acid bacteria starter to a milk component. The lactic acid bacteria starter can be a starter of a single ingredient, or a starter of a mixture. Applicants believe there is nothing indefinite about the recitation of adding a lactic acid bacteria starter.

Further, the Examiner states that:

The amendment is not entered given that it raises new issues that would require further consideration under 112, first in light of the addition of steps (1)-(4) in claim 6 given that while there is support in the specification for the specific steps disclosed on page 12 for cheddar cheese and on pages 12-13 for natural cheese, there is no support for the broad recitation of steps as set forth in claim 1.

Applicants respectfully traverse.

The present claim 6 is supported by the instant specification as pointed in the 116 Amendment filed December 23, 2008. The Examiner did not articulate any reasoning or point to any specific recitation of claim 6 that is considered as not supported by the specification.

Additionally, the Examiner states that:

The amendment is not being entered given that it raises new issues that would require further consideration under 112, first paragraph given that there does not appear to be support in the specification for the amendment to claim 9 to broadly recite that the lactic acid bacteria starter is a mixture that includes “another strain of lactic acid bacterium”.

Applicants respectfully disagree.

Claim 9 recites that the process according to claim 6, wherein the lactic acid bacteria starter is a mixture of the lactic acid bacterium belonging to *Lactobacillus gasseri* having a disinfection potency against *Helicobacter pylori* and another strain of lactic acid bacterium.

The instant specification contains disclosure for “another strain of lactic acid bacterium”. In particular, instant specification discloses at page 10, second paragraph, that in the production of the natural cheese of the present invention, *L. gasseri* is preferably added as a *L. gasseri* starter, and the *L. gasseri* starter can be used together with a lactic acid bacteria starter for cheese.

Applicants submit that the timing of adding *L. gasseri* is the same as timing of adding a starter. Applicants submit that claim 9 which recites a process according to claim 6, wherein the lactic acid bacteria starter is a mixture of the lactic acid bacterium belonging to *Lactobacillus gasseri* having a disinfection potency against *Helicobacter pylori* and another strain of lactic acid bacterium, is supported by the instant specification.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: February 2, 2009